

REMARKS/ARGUMENTS

The Office Action of October 26, 2007, has been carefully reviewed and these remarks are responsive thereto. The pending independent claims 8, 28, 31, 32, 40, 47, 48, 49, and 51 have been amended to clarify the claimed invention. Claims 8-14, 28, 31-32, 35-37, and 39-51 remain pending and allowance of these claims is respectfully requested.

Claim Rejections Under 35 U.S.C. §103(a)

Claims 8-14, 28, 31-32, 35, 36 and 39-51 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bertrand et al. (U.S. patent No. 6,687,252, hereinafter “Bertrand et al.”) in view of Takeda et al. (U.S. Publication No. US 2001/0048686 A1) and further in view of Applicant’s alleged admitted prior art (as purportedly found in Applicant’s specification).

Claims 37 and 45 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bertrand et al. in view of Takeda et al. and Applicant’s admitted prior art as applied to claims 1-6, 8-18, 20-26, 28-29, 31-36, and 39 above and further in view of Boudreaux (US Patent No. 6,466,556).

These rejections of the pending claims are respectfully traversed. As recognized in the Office Action, Bertrand et al. does not disclose an Activate PDP Context Request message and a Create PDP Context Request message having an APN field containing information that explicitly indicates requesting one of a private network address and a public network address. As also recognized in the Office Action, Bertrand et al. does not disclose that a public network address or private network address is assigned based on the information contained in an APN field of a Create PDP Context Request message. As recognized in the Office Action, the proposed combination of Bertrand et al. and Takeda et al. does not disclose using destination network information to assign one of a private network address and a public network address to a mobile station.

Bertrand et al. requires a Network Address Translator (NAT) when a Radius server fails to provide an IP address to a mobile terminal using a procedure that calls for a new parameter called a Conditional PDP Address (CPA) parameter being stored in the MT’s Home Location Register (HLR) as part of the user subscriber data. According to Bertrand et al., the CPA parameter indicates whether the subscriber is entitled to a backup IP address in case of failure to obtain one

over the Gi interface, and if so, it is also used to determine whether the backup IP address is a private IP address or a public IP address. According to Bertrand et al., if the backup IP address is a private IP address, a NAT is required as part of the GGSN's Gi interface router. See Bertrand et al. at Col. 6, lines 1-20, emphasis added. The pending claims provide methods and apparatus that avoid the requirement of a NAT, and thus avoid the shortcomings associated with a NAT-based approach.

In addition, Takeda et al. does not teach features alleged in the Office Action. More specifically, none of the cited passages in Takeda teach that the node identified in the APN (the address thereof) would explicitly (or implicitly) be equivalent to requesting a private or public network address to be assigned to a mobile station. For example, the Office Action cites to paragraphs 26-27 of Takeda et al., however reading onward, paragraphs 28-29 reveal that the process in Takeda returns to the mobile node **the IP address of the gateway node**, and not an address assigned to the mobile station itself (as recited in the present claims). Similarly are cited paragraphs 71-72 of Takeda et al., and further therein in paragraph 74 Takeda et al. teaches that the GGSN sends its own IP address to the mobile station, not an address assigned to the mobile station by which the mobile station could be reached. Similarly, the cited paragraphs 89-97 and Figure 5 of Takeda et al. fail to teach that either a private network address or a public network address would be assigned to the mobile station based on information contained in the APN field.

While Takeda et al. discloses at paragraph 94 that if no IP address is allocated to the mobile terminal, an IP address allocation procedure is indicated to the mobile terminal, and that for IP address allocation, the IPv6-compatible DHCP is used for example, there is no indication in Takeda that such IP address allocation involves an APN field containing information that explicitly indicates requesting either a private network address or a public network address to be assigned to the mobile station. As recognized in the Office Action (at page 12), Takeda does not disclose using destination network information to assigned (sic, assign) one of a private network address and a public network address to the mobile station. The proposed combination of Bertrand et al. and Takeda et al., even if proper, does not result in the claimed invention.

It is respectfully submitted that Applicant's specification does not contain any "AAPA" that precludes allowance of the pending claims. That the operation of Realm Specific IP (RSIP) is described in the background of the invention (*see* paragraphs [0007]-[0012], and Fig. 2 of the

present application) does not change the fact that at the time of the present invention, the General Packet Radio System (GPRS) standard did not specify whether private or public IP addresses are assigned to a requesting MS, and that standardization is not an issue because at that time a NAT was used a PLMN boundary when private IP addresses were used. *See* paragraph [0013]-[0017] of the present application.

The pending independent claims in the application claim an “APN field containing information that explicitly indicates requesting either a private network address or a public network address to be assigned to [the/a] mobile station.” Neither Bertrand et al. or Takeda et al. or alleged AAPA in Applicant’s specification, either separately or in combination, teaches or suggests such a feature. Neither Bertrand et al., nor Takeda et al., nor alleged AAPA in Applicant’s specification provides any independent motivation or suggestion to combine the use of APNs with the assignment of network addresses in the manner claimed by the Applicant.

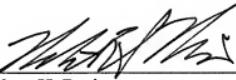
There is no suggestion to combine Bertrand et al., Takeda et al., and alleged AAPA as advanced in the Office Action, except using Applicant’s invention as a template through a hindsight reconstruction of Applicant’s claims. “[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rationale underpinning to support the legal conclusion of obviousness.” *In re Kahn*, 431 F.3d 977, 988 (Fed. Cir. 2006), cited with approval in *KSR v. Teleflex*, 550 U.S.____, 82 U.S.P.Q.2d 1385, 1396 (2007). The Office Action does not provide articulated reasoning with some rationale underpinning to support the legal conclusion of obviousness.

In sum, the pending independent claims are each patentable over the cited art. The pending dependent claims are patentable over the cited art for at least the same reasons as independent claims from which they depend and for the additional features recited therein. The Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. §103(a) rejection.

CONCLUSION

All rejections having been addressed, Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the Examiner is requested to contact the undersigned at (312) 463-5405.

Respectfully submitted,

Dated: December 12, 2007
By: 
Robert H. Resis
Registration No. 32,168
BANNER & WITCOFF, LTD.
10 South Wacker Drive, Suite 3000
Chicago, IL 60606
Direct Dial: 312 -463-5405